IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 5TH JULY 2006 / 14TH ASHADA 1928

Bail Appl..No. 3572 of 2006()

CMP.7301/2006 of J.M.F.C.,KARUNAGAPPALLY
C.R.NO.109/2006 OF KARUNAGAPPALLY EXCISE RANGE

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PETITIONER/ACCUSED

RADHAKRISHNAN, S/O.RAGHAVAN,
NISHABHAVANAM,PULIYOOR VANCHI, KIZHAKKU MURI,
THODIYOOR VILLAGE, KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
EXCISE INSPECTOR, KARUNAGAPPALLY EXCISE RANGE,
KOLLAM DISTRICT THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

- -

B.A. No. 3572 of 2006

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Dated this the 5th day of July, 2006

O R D E R

The petitioner was arrested on 02/06/2006 by the Inspector of Excise Range, Karunagappally, as he was found in illegal possession of 20 litres of arrack. C.R.No.109/2006 of that excise range was registered under Sections 8(1) and 8(2) of the Abkari Act. Hence, this application for bail.

2. I heard the learned counsel for the petitioner, Ms.Mereena Joseph. But the learned Public Prosecutor came up with a revelation that the petitioner is already an accused in two other cases under the Abkari Act, and the present offence was committed while he was on bail in earlier crimes.

3. In such circumstances because of the operation of Section 41A of the Abkari Act, I decline to grant an order as prayed for. Hence, the petition is dismissed at this stage.

(J.M.JAMES)
Judge

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